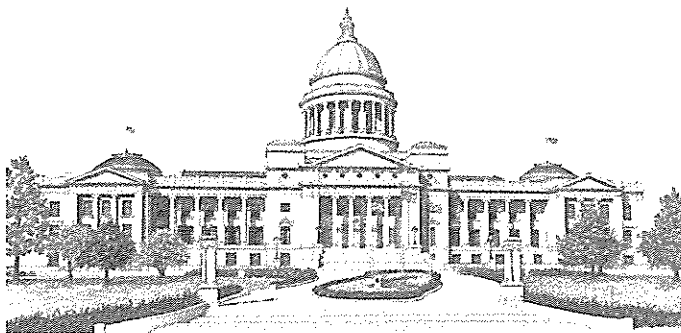


ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

John Thurston

500 Woodlane, Suite 026

Little Rock, Arkansas 72201-1094

(501) 682-5070

www.sos.arkansas.gov



For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Department of Human Services

Department Division of Children and Family Services

Contact Mac E. Golden E-mail Mac.E.Golden@dhs.arkansas.gov Phone 501.320.6383

Statutory Authority for Promulgating Rules A.C.A. §§ 9-28-103 and 25-10-129

Rule Title: To rescind DCFS Policy XI: Educational Leave and Educational Assistance Policy

Intended Effective Date
(Check One)

☐ Emergency (ACA 25-15-204)

☐ 10 Days After Filing (ACA 25-15-204)

☒ Other 12/01/2022
(Must be more than 10 days after filing date.)

Legal Notice Published

Final Date for Public Comment

Reviewed by Legislative Council

Adopted by State Agency

Date

08/19/2022

09/17/2022

11/18/2022

12/01/2022

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Toni Roy toni.roy@dhs.arkansas.gov

11/18/2022

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Signature

(501) 320.6331

Mischa.Martin@dhs.arkansas.gov

Phone Number

E-mail Address

Director, Division of Children and Family Services

Title

11/18/2022

Date

~~XI. DCFS EDUCATIONAL LEAVE & EDUCATIONAL ASSISTANCE~~

~~POLICY XI-A: DCFS EDUCATIONAL LEAVE & EDUCATIONAL ASSISTANCE~~

~~06/2004~~

~~DCFS Policy No. XI-A establishes guidelines for administering the DCFS Educational Leave and Educational Assistance Programs. This policy addresses the types of leave and assistance available, the application and selection processes and criteria, related personnel and contract processes, and participant benefits and responsibilities under the program. Also included is information on the role of the employee performance evaluation and procedures associated with completion of the program.~~

~~In administering the DCFS Educational Leave and Educational Assistance Program, DCFS will adhere to all provisions of the Americans with Disabilities Act. The program will comply with titles VI and VII of the Civil Rights Act and will be administered without regard to age, religion, disability, political affiliation, veteran status, sex, race, color, or national origin.~~

~~PROCEDURE XI-A1: Educational Leave~~

~~**Full-Time Educational Leave** Full-time educational leave may be granted to an employee to attend an accredited educational institution to pursue a Master of Social Work (MSW) degree. When on approved full-time educational leave, the employee is granted time off on a full-time basis (40 hours per week). Upon completion of the educational leave program, the employee agrees to work for DCFS in a direct service position. The work commitment will be calculated at the rate of two months for each month of educational leave. Attendance in any part of a month will be considered as a full month.~~

~~**Part-Time Educational Leave** Part-time educational leave is granted to an employee to attend an accredited educational institution to pursue a Master of Social Work (MSW) degree. The employee is granted 20 hours or less time off from work. Upon completion of the educational leave program, the employee agrees to work for DCFS in a direct service position. The work commitment will be calculated at the rate of one month for each month of educational leave. Attendance in any part of a month will be considered as a full month.~~

~~PROCEDURE XI-A2: Educational Assistance~~

~~The Child Welfare Student Stipend Program is available to eligible students entering their senior year of study. Students selected to receive a stipend must enter into a contract and commit to employment with DCFS and remain employed with the Division for a minimum of one year following graduation.~~

~~POLICY XI-B: DCFS MSW EDUCATIONAL LEAVE PROGRAM~~

~~The purpose of the DCFS MSW Educational Leave Program is to enable the Division to employ an increased number of persons who possess the MSW degree to work in programs throughout the state that serve title IV-E children. Full-time or part-time educational leave may be approved for an employee pursuing an MSW to attend the University of Arkansas at Little Rock MSW Program, located in Little Rock (UALR), or the UALR off-campus program, located at the University of Arkansas at Fayetteville (UAF) School of Social Work. The DCFS Director can grant an employee special approval to attend accredited Schools of Social Work in bordering states if the school is in close proximity to Arkansas and is readily accessible by the employee.~~

~~The participants in the DCFS MSW Educational Leave Program are responsible for satisfying identified academic requirements and fulfilling specific obligations to DCFS while on educational leave. Failure to meet these responsibilities constitutes a violation of the Educational Leave Contract (DCFS 4331) and will result in contract termination.~~

~~PROCEDURE XI-B1: Eligible Employees~~

~~The DCFS MSW Educational Leave Program is limited to current DCFS employees with a minimum of two consecutive years of full-time regular status DCFS employment working in child welfare prior to January 1 of the year of application. Preference will be given to employees who are in Family Service Worker, Family Service Worker Specialist, and Family Service Worker Supervisor positions. To be eligible to apply for the DCFS Educational Leave Program, the employee must currently occupy a position designated as a grade 22 or lower.~~

~~PROCEDURE XI-B2: Full Time and Part Time MSW Educational Leave~~

~~Under the full-time DCFS MSW Educational Leave Program, the selected employee is relieved of all duties for the duration of the program and allowed to attend the UALR MSW Program, at either the Little Rock or Fayetteville campus, on a full-time basis to pursue a MSW degree. While in the program, the participant will occupy a position at a salary determined by the DCFS Director and retain all benefits normally afforded a regular status employee, unless specifically stated in policy (see Procedure XI-B13 Rights and Benefits Retained).~~

~~The part-time MSW Educational Leave Program affords the selected employee the opportunity to attend the UALR MSW Program, at either the Little Rock or Fayetteville campus, on a part-time basis and relieves the employee of partial responsibility for job duties, in proportion to the number of semester hours attempted. The part-time educational leave program must be completed within three calendar years. The part-time participant receives a salary and retains all rights and benefits while in the program, except where stated otherwise in policy (see Procedure XI-B13 Rights and Benefits Retained).~~

~~Employees who already are enrolled in the UALR MSW Program may apply for acceptance in the MSW Educational Leave Program if they meet all other eligibility requirements for the program.~~

~~Tuition, fees, and books will be provided by DCFS through a contract with UALR. The Division will not pay for parking or non-required student activity fees.~~

~~PROCEDURE XI-B3: Application Process~~

~~Participation in the MSW Educational Leave Program requires successful completion of a two-fold application and approval process, as follows:~~

- ~~A. Application and acceptance into the UALR MSW Program; and~~
- ~~B. Application and acceptance into the DCFS MSW Educational Leave Program.~~

~~The employee must follow both the UALR and Divisional procedures described in Procedure XI-B4 and Procedure XI-B5 below.~~

~~PROCEDURE XI-B4: UALR/UAF MSW Procedures~~

~~Obtaining Application Forms~~ ~~The employee must obtain the necessary admissions packet from UALR. Application forms for the UALR MSW Program are needed for the full-time and part-time programs at the Little Rock and Fayetteville campus. Application forms requesting entrance into the UALR off-campus program in Fayetteville must be obtained from the Graduate Coordinator at the UALR MSW Program.~~

~~Admission Criteria~~ ~~The employee must be accepted into the UALR MSW Program prior to acceptance into the DCFS MSW Educational Leave Program on either a full-time or part-time basis. Information on admissions criteria can be obtained directly from UALR.~~

~~Completion/Submission of Application Forms~~ ~~The required application forms must be completed and submitted as indicated by UALR. Pre-application assistance is available through the UALR MSW Program. Upon submission of the required application forms, the employee must forward a Letter of Interest to the DCFS Professional Development Unit.~~

~~Deadline for Submission of Forms~~ ~~Application forms must be submitted within the time frames established by UALR. Typically, forms must be submitted by March 1 to be considered for the MSW program beginning in August of the same year.~~

~~Testing Requirements~~ ~~The employee is required to take and pass either the Miller Analogy Test (MAT) or the Graduate Record Exam (GRE). The employee must pay all costs associated with the testing and is responsible for submitting the entrance examination score to the UALR MSW Program.~~

~~Acceptance/Non-Acceptance~~ ~~UALR will notify the employee regarding the status of his/her application. Upon acceptance, the employee must forward a copy of the notification letter from UALR to the DCFS Professional Development Unit.~~

~~PROCEDURE XI-B5: Divisional Procedures – MSW Educational Leave Program~~

~~Recruitment~~ On an annual basis, DCFS will publicize the availability of educational leave positions and accept applications for full-time and part-time MSW educational leave from qualified DCFS employees. The DCFS Professional Development Unit will distribute the information that generally describes the DCFS MSW Educational Leave Program and the process necessary for acceptance. The process includes successful completion of: 1.) An initial screening, 2.) Application submission, 3.) Selection and recommendation by the DCFS Educational Leave Committee, and 4.) Final approval by the Division Director.

~~Initial Screening Process~~ The DCFS employee must submit a Letter of Interest to the Program Coordinator/Manager of the DCFS Professional Development Unit. The Letter of Interest may be submitted at any time after the statewide announcement, but no later than April 1 of the year in which the employee plans to matriculate. The Letter of Interest should contain the following, at a minimum:

- ~~A. A statement expressing the employee's desire to be considered for participation in the DCFS MSW full-time or part-time program, and a request for an application for admission.~~
- ~~B. An affirmation that to the best of the employee's knowledge, the employee meets the following minimum eligibility requirements:~~
 - ~~1) Is a current DCFS permanent employee with at least two consecutive years of full-time regular status employment with DCFS working in child welfare prior to January 1 of the year of application.~~
 - ~~2) Occupies a grade 22 position or less.~~
 - ~~3) Has accrued no more than three disciplinary points for infraction of Departmental conduct standards during the past two years.~~
- ~~C. A statement explaining why the employee is interested in obtaining a MSW degree and how obtaining such a degree would benefit the Division.~~
- ~~D. A statement asserting an understanding of and a willingness to fulfill the required work commitment to DCFS if educational leave is granted.~~
- ~~E. A statement relating the status of employee's application for admission to the UALR MSW Program.~~

Within 10 working days from receipt of the Letter of Interest, the DCFS Professional Development Unit will determine if the employee meets the minimum eligibility requirements.

If the employee meets the minimum eligibility requirements, the Manager of the DCFS Professional Development Unit will:

- ~~A. Send the employee a letter acknowledging receipt of the Letter of Interest and confirming that the employee meets the minimum eligibility requirements;~~
- ~~B. Include a copy of the DHS-1188: Application for Part-Time or Full-Time Educational Leave;~~
- ~~C. Include a blank copy of CFS-4331: Arkansas Department of Human Services Division of Children and Family Services Educational Leave Contract (Full-time/Part-time MSW Student) for review;~~
- ~~D. Forward a copy of the letter confirming the employee's eligibility for consideration of acceptance to the UALR MSW Program.~~

~~If the employee does not meet the minimum eligibility requirements for consideration of acceptance, the Program Coordinator/Manager of the DCFS Professional Development Unit will notify the employee by letter.~~

~~**Completion/Submission of Application Forms**—Upon notification of acceptance to the UALR MSW Program, the employee will forward the following documentation to the DCFS Professional Development Unit:~~

- ~~A. A completed DHS 1188 "Application for Part Time or Full Time Educational Leave," signed by the immediate supervisor(s) and the Area Director, if applicable;~~
- ~~B. A written recommendation from the supervisor attesting to the employee's attitude, work ethic, and future potential, as required on the DHS 1188; or~~
- ~~C. A written narrative from the supervisor stating reasons for disapproval, as required on the DHS 1188, if applicable;~~
- ~~D. A copy of the application and other information submitted to the UALR MSW Program; and,~~
- ~~E. A copy of the Letter of Acceptance from the UALR MSW Program.~~

~~In the event the employee does not receive supervisory approval on the DHS 1188, the employee's denied application and other documentation should be routed to the DCFS Professional Development Unit. Upon receipt, the Program Coordinator or Manager of the DCFS Professional Development Unit will forward the denied application to the Division's Assistant Director for Community Services and/or Director for review and disposition.~~

~~**Deadline for Submission of Forms**—Completed application forms must be submitted to the DCFS Professional Development Unit within 10 days of receipt of the Letter of Acceptance from the UALR MSW Program. Applications must be received by June 1 to be considered for the MSW program beginning in August of the same year.~~

~~**Routing Forms**—The routing of the applications will follow prescribed Departmental routing procedures, as detailed in the instructions in the DHS 1188.~~

~~**Notification to Applicants**—The DCFS Professional Development Unit will notify each applicant regarding the status of his/her application (DHS 1188) within 10 working days of receipt. Upon acceptance, the applicant will be advised that the application will be submitted to the DCFS Educational Leave Committee for further consideration. When an applicant is rejected, the reason for non-acceptance will be provided.~~

~~**PROCEDURE XI-B6: The Selection Process**~~

~~The following describes the selection process by which a participant is chosen for the DCFS MSW Educational Leave Program. This section includes the composition and responsibilities of the DCFS Educational Leave Committee and the in-person interview.~~

~~Committee Responsibilities~~ — The DCFS Educational Leave Committee will review all applicants who have been accepted by UALR and have met the established criteria for the DCFS MSW Educational Leave Program. The review will include conducting in-person interviews to prioritize applicants.

~~Committee Composition~~ — Committee members will be appointed on a yearly basis by the Division Director. The committee will consist of seven individuals, as follows:

- ~~A. One Assistant Director~~
- ~~B. One representative from the Community Services Section~~
- ~~C. One graduate from the DCFS MSW Educational Leave Program~~
- ~~D. Two Area Directors~~
- ~~E. One Family Service Worker or Family Service Worker Specialist~~
- ~~F. One representative from the University Partnership~~

~~Criteria for Selection~~ — The committee will assess each application using the following criteria:

- ~~A. Type of position occupied, with preference given to individuals in Family Service Worker, Family Service Worker Specialist, and Family Service Worker Supervisor positions.~~
- ~~B. Length of service with DCFS, with an emphasis on years/months spent in direct service positions.~~
- ~~C. Performance evaluation rating from the previous two years.~~
- ~~D. Supervisory recommendations.~~
- ~~E. Demonstration of the likelihood of continued employment with DCFS in a program serving title IV-E eligible children, for the contracted period of time following the completion of the educational plan.~~
- ~~F. Writing skills.~~
- ~~G. Information obtained and observations made during the in-person interview.~~

~~Deadlines for Review Process~~ — Completion of the committee review, including the screening and interviewing phases, must occur within 20 working days after the DCFS eligibility letters are sent to the applicants.

~~Determining Number of Selectees~~ — The maximum number of educational leave positions available is seven for the full-time program and three for the part-time program. The DCFS Director has discretion to increase or decrease the number of participants in the program.

~~Committee's Recommendation~~ — The DCFS Professional Development Unit will submit committee recommendations and applicant rankings to the DCFS Director within five working days of notification of applicants selected by the committee.

~~Notification to Applicants~~ — Applicants will be notified in writing within 10 working days following the selection or non-selection of applicants by the DCFS Director.

~~Orientation~~ — The Division will hold an orientation session for all selected applicants. The DCFS Professional Development unit will notify each selected applicant of the date and location of the orientation. The orientation agenda will address the following:

- ~~A. A discussion of relevant personnel issues.~~
- ~~B. An explanation of responsibilities of both the selected employee and the Division.~~
- ~~C. An explanation of the CFS 4331: Educational Leave Contract.~~
- ~~D. A period for questions and answers.~~
- ~~E. Signing and notarizing the CFS 4331.~~

~~PROCEDURE XI-B7: Grade Point Requirements~~

~~**Minimum Grade Point to be Attained** The participant must meet all academic requirements of UALR and the UALR MSW program. A minimum grade point average of 3.0 (on a scale of 4.0) must be maintained to remain in the full-time or part-time DCFS MSW Educational Leave Program.~~

~~**Reporting Grade Point** The participant must submit each semester's grades to the DCFS Professional Development Unit within 10 working days after final grades are received each semester.~~

~~PROCEDURE XI-B8: Class Attendance Requirements~~

~~Each participant in the DCFS MSW Educational Leave Program is expected to attend scheduled classes. A maximum of three classes may be missed during a given semester. In case of a serious illness or emergency, the participant must contact the DCFS Professional Development Unit. Failure to attend scheduled classes will result in contract termination. The participant is considered a regular student and will take the same holidays as authorized by the university. Under the DCFS MSW Educational Leave Program, the participant is required to attend all scheduled summer sessions.~~

~~PROCEDURE XI-B9: Supervision While on Educational Leave~~

~~The DCFS Professional Development Unit will be responsible for monitoring the performance and conduct of full-time educational leave participants for the duration of the program. The part-time participant will continue to receive direction from the participant's supervisor during assigned work hours.~~

~~PROCEDURE XI-B10: Documentation Required as Evidence of Graduation~~

~~The MSW student must provide the DCFS Professional Development Unit with official notification of graduation no later than 10 days prior to the scheduled graduation date. Upon graduation from the DCFS MSW program, the participant must arrange for UALR to furnish an official transcript to the DCFS Professional Development Unit. This must be provided within 20 working days following graduation. The original transcript will be placed in the employee's official personnel file, housed at the DHS Office of Human Resources.~~

~~PROCEDURE XI-B11: Placement into a Position~~

~~Following graduation from the UALR Graduate School of Social Work, DCFS will place the employee into a regular position, according to the guidelines listed below. Participation in the~~

~~normal DHS competitive hiring process is not required for new graduates of the DCFS MSW Educational Leave Program but will be required for any subsequent position.~~

~~**Application Process Requirements**—The graduating employee will complete an internal job application. The completed application must be sent to the DCFS Professional Development Unit six weeks prior to the expected date of graduation. The DCFS Professional Development Unit will forward the document to the Assistant Director, Community Services, and the DCFS Personnel Unit.~~

~~**Identification of Appropriate Position**—Within three weeks of receiving an internal application, the DCFS Personnel Unit will review the Division's vacancies and identify a position of equal or higher grade than the position the employee held prior to acceptance into the DCFS MSW Educational Leave Program. After the review, the DCFS Personnel Unit will forward the vacancy listing to the DCFS Assistant Director for Community Services and the DCFS Professional Development Unit. In addition to qualifications presented on the application, the geographic preference indicated by the employee will be a consideration in locating an appropriate placement.~~

~~Within two weeks prior to graduation, the Assistant Director for Community Services, the DCFS Professional Development Unit, and the appropriate Area Director will meet to make recommendations for placement. Placement interviews will be scheduled prior to the day on which the employee is scheduled to report to work.~~

~~**Time Frames Related to Placement**—The DCFS Professional Development Unit will notify the student of the assigned county and the date for reporting to work. The employee will be placed into a DCFS position within 30 calendar days following the date that the Division is notified of his/her graduation.~~

~~**Personnel Documentation Requirements**—The DCFS Personnel Unit will complete and process the Request for Personnel Action (DHS-1161) and will ensure that all necessary approvals and documentation are attached. The DCFS Director must approve each placement before the employee is notified of the assigned position. A copy of the DHS-1161 indicating placement of the MSW graduate will be sent to DCFS Professional Development Unit for placement in the graduate's file.~~

~~**PROCEDURE XI-B12: Work Commitment to the Division**~~

~~**Terms of Employee Obligation**—As stipulated in the CFS-4331: Educational Leave Contract, the graduating employee must accept employment with DCFS in a direct service position. The employee must work the equivalent of two months for each month of full-time educational leave and one month for each month of part-time educational leave. Attendance in any part of a month will be considered as a full month.~~

~~**Consequences if Employee Violates Terms of Agreement**—Failure by the employee to honor the work commitment constitutes a contract violation and will result in the employee becoming responsible for reimbursing DCFS for the full amount expended during the contract period. (See XI-B13-B2-Breach of Contract/Contract Termination).~~

~~**PROCEDURE XI-B13: Personnel Processes Related to the DCFS Educational Leave Program**~~

~~**Designating Educational Leave Positions**—Educational leave participants will be placed in a position determined by the DCFS Director.~~

~~**Contracting Requirements**—In order to formalize an employee's participation in the DCFS MSW Educational Leave Program, a contract between the Division and the employee is required, according to the following guidelines:~~

~~**Requirements for Formal Contract**—Acceptance into the DCFS MSW Educational Leave Program is not considered official until the DCFS Director and the selected employee enter into a formal contract. Employees entering either the full-time or part-time educational leave program must sign and adhere to the provisions of the CFS-4331: Educational Leave Contract.~~

~~The agreement will detail the responsibilities and obligations of both parties in relation to the DCFS MSW Educational Leave Program. Contract stipulations will address the following:~~

- ~~A. Duration of the educational leave.~~
- ~~B. Authorized salary and other benefits to be afforded the participant.~~
- ~~C. Post-educational leave work commitment to the Division.~~
- ~~D. Provisions for premature contract termination.~~

~~**Breach of Contract/Contract Termination**—Violation of the terms of the Educational Leave Contract by the employee is considered a breach of the contract with DCFS. The Division will report a breach of contract simultaneously to the DHS Office of Administrative Services and the DHS Office Chief Counsel. The employee will be required to make restitution to the Division for contract violations. Contract violations include, but are not limited to, being placed on academic or disciplinary probation or failing to meet the commitment for continued employment following graduation. The employee will be required to reimburse DCFS for salary and benefits and for all educational expenses, including tuition, books, academic fees, and other related expenses, for the completed period of educational leave. If an employee violates the terms of the contract after starting the work commitment, repayment will be calculated according to the months worked.~~

~~At the discretion of DCFS, the contract may be terminated or renegotiated following 30 calendar days written notice to the employee. Circumstances leading to contract termination or renegotiation may include insufficient funds, a reduction in force, or other reasons identified by DCFS.~~

~~Salary Received~~—DCFS provides a salary and benefits for each employee in the DCFS MSW Educational Leave Program for the duration of the employee's participation in the program.

~~Determining Salary Amount~~—The salary amount to be paid a participant in the full time and part-time programs will be determined by the DCFS Director. This amount may not exceed the employee's salary prior to acceptance into the program.

~~Performance-based Merit Raises and Cost-of-Living Salary Increases~~—The employee on full time or part-time educational leave will not qualify for any performance-based merit raise program legislated by the Arkansas General Assembly.

~~Income Tax and Social Security Deductions~~—DCFS will continue to withhold income tax and Social Security taxes from the employee's salary while the employee is a participant in the DCFS Educational Leave and Educational Assistance Program.

~~Rights and Benefits Retained~~—An employee on full-time or part-time DCFS MSW educational leave will retain all regular status rights and benefits, unless otherwise noted.

~~Annual/Sick Leave Accrual~~—Employees on full-time MSW educational leave will not accrue annual or sick leave. However, if an emergency situation occurs and a full-time student is unable to attend class, the student shall contact the DCFS Professional Development Unit to discuss available options. A participant in the part-time educational leave program will accrue annual and sick leave on a pro-rated basis.

~~Retirement~~—Retirement deductions, if applicable, will continue to be withheld for an employee on educational leave. The formula for calculating length of service for retirement purposes will not be affected by an employee's participation in the DCFS Educational Leave Program.

~~Insurance~~—A participant's insurance coverage contribution will continue to be withheld while the employee remains on educational leave. DCFS will continue to assume responsibility for a portion of the employee's insurance.

~~Personnel Performance Evaluation System~~—The full-time participant in the DCFS MSW Educational Leave Program will not be subject to the annual evaluations required by the Arkansas Personnel Performance Evaluation System (PPES). The part-time participant will be evaluated only if actual work is performed for an equivalent of six or more months, as determined by the employee's PPES rating period.

RESCIND